



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

July 19, 2018

(Via email and Certified Mail)
CERTIFIED MAIL
NO. 7016 3010 0000 5907 1042

Mr. Mario A. Vallejo
[REDACTED]

SUBJECT: PROPOSED DISCIPLINARY ACTION

Dear Mr. Vallejo:

1. EXAMINATION DISHONEST CONDUCT

During the April 14, 2018 wastewater operator examination held in San Diego, California, you violated section 3701.1 of the Wastewater Operator Certification Program's (WWOCP) Regulations¹ since you failed to return the last page of your Grade II wastewater examination booklet (pages 21-22) despite having initialed your exam booklet cover verifying all pages. You also signed your exam booklet stating you understood removal of any examination material from the examination room could result in revocation of your existing operator certificate and/or criminal prosecution (see **Attachment 1 – Signed Examination Booklet Cover Dated 4/14/2018**).

As a result of your dishonest conduct, in accordance with section 3701.1 of the WWOCP regulations, your examination was not graded and WWOCP disqualified you from taking the next scheduled wastewater examination on October 13, 2018 (see **Attachment 2 – Wastewater Operator Examination Disqualification Notification**).

2. STATUTORY AUTHORITY AND LIABILITY

The State Water Resources Control Board (State Water Board) may refuse to grant, suspend, or revoke an operator, provisional operator, or operator-in-training certificate or may reprimand or place on probation an operator, provisional operator, or operator-in-training upon any reasonable ground, including performing, or allowing or causing another to perform, any of the following acts as stated in the California Code of Regulations, title 23, section 3710 (Grounds for Disciplinary Action), section (a) as follows:

(4) Engaging in dishonest conduct during an examination, or violating confidentiality of examination questions.

¹ The State Water Board's regulations concerning the WWTP Operator Certification Program are codified at California Code of Regulations, title 23, division 3, chapter 26, section 3670 et seq. All references to the "WWOCP's Regulations" are to the applicable sections of title 23 of the California Code of Regulations.

Office of Enforcement | 801 K Street, Suite 2300 | Sacramento, CA 95814 | 916.341.5272

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

3. ALLEGATION

The Office of Enforcement (OE) has determined you violated the California Code of Regulations, title 23, section 3710(a)(4), by engaging in dishonest conduct during the April 14, 2018 Wastewater Operator Examination in San Diego, California.

4. PROPOSED DISCIPLINARY ACTION

OE completed its investigation in consideration of the above facts and evidence and proposes the following appropriate disciplinary action:

- 1) **SUSPENSION OF YOUR CURRENT OPERATOR CERTIFICATE** (Grade I, No. 42459) for thirty (30) days with the following conditions:
 - a) Within 45 days of the receipt of this proposed disciplinary action, you must surrender your current original Grade I wastewater operator certificate to the WWOCP via certified mail;
 - b) Upon receipt of your Grade I wastewater operator certificate, the WWOCP will then begin your thirty (30) day suspension period; and,
 - c) During or after the (30) day suspension period, you may contact WWOCP at (916) 341-5131 to determine the next steps of acquiring your operator certificate.
- 2) **ETHICS TRAINING:** Completion of an American Public Works Association (APWA) ethics class (see the link at <https://www.apwa.net/Store/detail.aspx?id=LM.C254>) or completion of an equivalent ethics training class of not less than 1 hour. The training needs to be taken during your suspension with proof of completion to be submitted to WWOCP. Your certificate will not be returned unless and until you have satisfied the ethics training requirement.
- 3) **TWO-YEAR PROBATION:** Starting when you are re-certified after your (30) day suspension, additional violation(s) of the Operator Regulations (California Code of Regulations, title 23, section 3710 et. seq.) could result in penalties and/or revocation of your wastewater operator certificate.
- 4) **EMPLOYER NOTIFICATION:** Per your June 7, 2018 phone conversation with WWOCP staff, we understand you are not currently employed in wastewater operations. Therefore, your last known employer in wastewater operations will be mailed a copy of this letter to inform them of the suspension of your Grade I wastewater operator certificate.

This letter constitutes a proposed disciplinary action under California Code of Regulations, title 23, section 3712, and is considered final and conclusive, unless you request that the Director of OE reconsider this proposed disciplinary action. You have 45 days from receipt of this letter to appeal this decision, as specified in the California Code of Regulations, title 23, section 3712. A request for reconsideration shall contain:

1. The name, address, telephone number, and email address (if available) of the requestor;
2. A copy of the proposed disciplinary action letter;
3. A full and complete statement of the reasons why the proposed disciplinary action letter is erroneous, inappropriate, or improper; and,
4. The specific action that the requestor seeks from the Director of OE.

Appeals should be addressed to:

Ms. Yvonne West, Director
Office of Enforcement
State Water Resources Control Board
801 K Street, Suite 2300
Sacramento, California 95814

Your appeal must contain all documents above and any evidence you wish to be considered by Ms. West during her review.

Any future misconduct, including examination cheating may subject you to additional disciplinary action(s) pursuant to California Code of Regulations, title 23, section 3710 (Grounds for Disciplinary Action), which could include penalties and/or permanent revocation of your wastewater operator certificate.

If you have any questions, please contact Ms. Angie Noorda by telephone at (916) 341-5445, or by email at angie.noorda@waterboards.ca.gov.

Sincerely,



Dr. Matthew Buffleben, PE
Supervising Water Resource Control Engineer
Office of Enforcement

Enclosures: Attachment 1 – Signed Examination Booklet Cover Dated 4/14/2018
Attachment 2 – Wastewater Operator Examination Disqualification Notification

cc: See next page.

cc: *(via mail w/attachments)*

Mr. Larry L. Russell
Chief Plant Operator
McCain Valley Conservation Camp (CC)
2550 McCain Valley Road
Boulevard, CA 91905

(via email only, w/o attachments)

Mr. Wes Wilkinson
Staff Services Manager I
Office of Operator Certification
Division of Financial Assistance
wes.wilkinson@waterboards.ca.gov

Mr. Nickolaus Knight
Attorney III
Office of Enforcement
nickolaus.knight@waterboards.ca.gov

Mr. Bryan Elder
Senior Water Resource Control Engineer
Special Investigations Unit
Office of Enforcement
bryan.elder@waterboards.ca.gov



STATE WATER RESOURCES CONTROL BOARD
WASTEWATER OPERATOR EXAMINATION

GRADE II

APRIL 14, 2018

NAME Mario A Vallejo LAST 4 OF SSN 362
ADDRESS 6219 Stanley Dr
CITY La Mesa ZIP 91942 EMAIL: marvallejo1904@gmail.com

PLEASE CHECK HERE IF THIS IS A NEW ADDRESS AFTER MARCH 15, 2018: ☒

Please read and certify the following statement:

I UNDERSTAND THAT REMOVAL OF ANY EXAMINATION MATERIAL FROM THE EXAMINATION ROOM, REPRODUCTION OF ALL OR ANY PORTION OF THE EXAMINATION IN ANY WAY, OR USE OF UNAUTHORIZED REFERENCE MATERIAL DURING THE EXAMINATION MIGHT RESULT IN REVOCATION OF MY EXISTING OPERATOR CERTIFICATE AND/OR CRIMINAL PROSECUTION.

Signature Mario A Vallejo

When instructed by the proctor, verify your examination booklet has all pages 1 through 22.
IF THIS BOOKLET HAS ALL PAGES 1 THROUGH 22, INITIAL HERE: MV

- ALL EXAMINATION MATERIAL MUST BE RETURNED TO THE PROCTOR UPON COMPLETION OF THE EXAMINATION.
- MARK ALL ANSWERS ON YOUR SCANTRON CARD.
- SHOW ALL YOUR WORK TO BE ELIGIBLE FOR PARTIAL CREDIT ON THE MATH QUESTIONS, NUMBERED 81 THROUGH 90 (PLEASE USE THE BLANK SPACE BELOW EACH PROBLEM).

FOR OFFICIAL USE ONLY			
Score before partial credit grading <u>62</u>			
		87	90
82			
83			
Partial credit _____ Revised score _____ (105 to pass - >50% Math)			
PASS / FAIL			

